

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIJAH LEE MILLER,

Plaintiff,

v.

MULE CREEK STATE PRISON, et al.,

Defendants.

No. 2:21-cv-02104 WBS DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 5, 2022, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 5, 2022 (ECF No. 9) are adopted in full;
2. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is denied;

1           3. This action is dismissed without prejudice to refile upon pre-payment of the filing  
2 fee or an adequate showing of indigency under 28 U.S.C. § 1915(a); and

3           4. The Clerk of the Court is directed to close this case.

4 Dated: July 5, 2022



5 **WILLIAM B. SHUBB**

6 **UNITED STATES DISTRICT JUDGE**

7 mill2104.800